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RECENT IMPORTANT DECISIONS

BANKRUPTCY—JURISDICTION—APPOINTMENT OF REFEREE.—While the United States judge for the northern district of Alabama was holding court in the eastern division of that district, JONES, J., of the middle district of the same state, while presiding over court there, left the bench and took a hurried trip to Birmingham, in the northern district. He stayed there long enough to purport to open a court of bankruptcy and appoint one B. as referee without the knowledge or consent of the presiding judge in the district. S., the then referee, petitioned the court to have this appointment set aside as void. *Held*, that under the bankruptcy act the power to appoint referees is given to the court, and not to the judge as an individual, and, the judge holding court in the middle district could not assume to act as a court in two jurisdictions, therefore his appointment of B. was void. *In re Steele* (1908), — D. Ct., N. D., Ala., S. D. —, 161 Fed. 886.

A court is a tribunal organized according to law, and sitting at fixed times and places for the administration of justice, not an individual holding a judicial office. § 2 of the Bankruptcy Act of 1898 provides (1) that there shall be one court of bankruptcy in each judicial district of the United States, composed of the district courts therein; (2) these courts of bankruptcy are vested with jurisdiction at law and equity within their territorial limits only. § 1, subdivision 7, prescribes that "court" shall mean court of bankruptcy in which proceedings are pending. A judge alone does not constitute a court. Proceedings at another time or in another manner than specified by law, though in the presence of the judge, are *coram non jndice* and void. *Ex parte Gardner*, 22 Nev. 280. Proceedings of a kind and at a place other than prescribed by law are void. *Johnston v. Hunter*, 50 W. Va. 56. From the opinion in the case it appears that the judge making the appointment had not held court a single day in the northern district in the course of a year, and had been in that district only long enough to make the above appointment.

CARRIERS—LIABILITY FOR BAGGAGE—PROXIMATE CAUSE.—Defendant by a clause in its ticket sold to plaintiff exempted itself from liability for loss of baggage caused by fire. Plaintiff's baggage was held in a warehouse, in transit, for nine days, when it was destroyed by fire. *Held*, plaintiff could not recover. *French v. Merchants' & Miners' Transp. Co.* (1908), — Mass. —, 85 N. E. 424.

The exemption clause was held to be operative only if loss occur without any negligence of the carrier, because it would be invalid if construed to exempt the carrier from the results of his own negligence. Further, that while the carrier was negligent, the fire, and not the negligence, was the proximate cause of the loss. This case follows the line of decisions in Massachusetts and many other states, as well as of the federal courts. *Railroad Co. v. Reeves*, 10 Wall. 176; *Scott et al. v. Baltimore, etc., Steamboat Co.*, 19 Fed. 56; *Thomas et al. v. Lancaster Mills, etc.*, 71 Fed. 481; *Hoadley v. Northern, etc., Co.*, 115